
Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

OFFICE: Kingman Field Office

NEPA DOCUMENT NUMBER: DOI-BLM-AZ-C010-2012-0050-DNA
CASE FILE NUMBER: SRP# AZ-310-12-001

PROPOSED ACTION TITLE/TYPE: Special Recreation Permit for Black Mountain Outfitters

LOCATION/LEGAL DESCRIPTION: Public lands within Arizona Game and Fish Game Management Units 16A, 18B, 20C & 44A.

APPLICANT (if any): Tom McReynolds dba Black Mountain Outfitters

A. Description of the Proposed Action and any applicable mitigation measures:

Issue a one-year Special Recreation Permit (SRP) to Black Mountain Outfitters authorizing this business to conduct guided big game hunts on Kingman Field Office administered public lands within Arizona Game and Fish Department Game Management Units # 16A, 18B, 20C and 44A (**See Map, Attachment 1**). The permit would be valid year-round, though most hunting seasons occur between August and the end of February. Outfitter/guiding services would be provided for quail and archery deer seasons. The permittee and clients would be staying in hotels or local guest ranches. Transportation would consist of pickup trucks. Equines would not be utilized in their operations. The 2012 SRP and Operation Plan request is for Kingman Field Office only, no guiding within the Lake Havasu Field Office administered public lands. The permit would be subject to the stipulations shown in **Attachment 2**.

B. Land Use Plan (LUP) Conformance

LUP Name: *Kingman Resource Management Plan/EIS*
Date Approved: March 1995

The proposed action is in conformance with the *Kingman Resource Management Plan* because it is specifically provided for in **Decision #RR18** - "Commercial and competitive recreation uses would continue to be accommodated through the issuance of special recreation permits. Proposals for these permits would be analyzed on a case-by-case basis"

The proposal is also in conformance with following Kingman RMP decisions:

Kingman RMP, Decision #SM02 – "Manage the twelve "Areas of Critical Environmental Concern" designation according to the goals and objectives in the RMP pages 95 to 111. Evaluate land use authorizations, including all existing activity plans, for compatibility with goals and objectives of the area of critical environmental concern".

Kingman RMP, Decision #SM04 – "Limit off-highway vehicle use in riparian areas to designated roads, trails, washes and river crossings (White Margined Penstemon ACEC, Burro Creek ACEC (includes Francis Creek), and Three Rivers (includes Big Sandy and Santa Maria Rivers)".

Kingman RMP, Decision #SM11 - Minimize surface disturbance (pg. 99, BLM 1995)

Special Recreation Permit for Black Mountain Outfitters DOI-BLM-AZ-C010-2012-0050-DNA

Kingman RMP, Decision #TE03 – “BLM will manage for conservation of candidate and BLM-sensitive species and their habitats (and State Listed species). BLM will ensure that actions authorized will not contribute to the need to list any of these species as threatened or endangered”.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

- *Special Recreation Permits for Outfitters* (NEPA# DOI-BLM-AZ-C010-2009-0024-EA), Decision Record dated 9/28/09
- *Special Recreation Permit for Black Mountain Outfitters* (NEPA #DOI-BLM-AZ-C010-2011-043-DNA, Decision Record dated 8/17, 2011
- *Biological Evaluation for Threatened and Endangered, State listed, and BLM Sensitive Species, Migratory Birds, and Wildlife, Kingman and Lake Havasu Field Offices, dated 7/15/09.*

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation:

The proposed action is highly similar to the proposed action that was analyzed in the reference EA. SRP authorization to Black Mountain Outfitters would be for hunt units that have already been considered in the reference EA. Outfitter operations for Black Mountain Outfitters would be exactly as described in the reference EA, and stipulations to be attached to the SRP are a duplication of those proposed in the previous analysis.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation:

The range of alternatives considered in the reference EA remains adequate.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation:

There is no new information or circumstances since that time that would change the analysis of the new proposal to issue a Special Recreation Permit to Black Mountain Outfitters. There are no new Endangered Species listings or updated Arizona State Listed species. The BLM Sensitive Species list has been updated however no new species in the Kingman Field Office were added. Several species were removed however this would not significantly affect the analysis of impacts for the Proposed Action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Special Recreation Permit for Black Mountain Outfitters

DOI-BLM-AZ-C010-2012-0050-DNA

Documentation of answer and explanation:

The environmental effects that would result from issuing a Special Recreation Permit to Black Mountain Outfitters would be the same, both quantitatively and qualitatively, as those that were disclosed in the reference EA.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation:

The degree of public and interagency involvement that occurred in preparation of the reference EA is considered adequate for the current proposal.

E. Persons/Agencies/BLM Staff Consulted

This project proposal was presented at the Kingman Field Office interdisciplinary Project Coordination meeting on August 20, 2012. Resource specialists who indicated an interest in evaluating the proposal are listed on the attached KFO Scoping Form.

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

_____/ s / Len A. Marceau

Signature of Project Lead

Kingman Field Office

Len Marceau

_____/ 8 - 21 - 12

Date

_____/ s / Ramone B. McCoy

Signature of NEPA Coordinator

Kingman Field Office

Ramone McCoy

_____/ 8 - 21 - 12

Date

_____/ s / Don McClure for

Signature of the Responsible Official

Ruben Sanchez

Field Manager

Kingman Field Office

_____/ 8 - 21 - 12

Date

DECISION RECORD

NEPA Document Number: DOI-BLM-AZ-C010-2012-0050-DNA

Description of the Proposed Action:

Issue a one-year Special Recreation Permit (SRP) to Black Mountain Outfitters authorizing this business to conduct guided big game hunts on Kingman Field Office administered public lands within Arizona Game and Fish Department Game Management Units # 16A, 18B, 20C and 44A (**See Map, Attachment 1**). The permit would be valid year-round, though most hunting seasons occur between August and the end of February. Outfitter/guiding services would be provided for quail and archery deer seasons. The permittee and clients would be staying in hotels or local guest ranches. Transportation would consist of pickup trucks. Equines would not be utilized in their operations. The 2012 SRP and Operation Plan request is for Kingman Field Office only, no guiding within the Lake Havasu Field Office administered public lands. The permit would be subject to the stipulations shown in **Attachment 2**.

Rationale: The proposed action was previously analyzed in EA#DOI-BLM-AZ-C010-2009-0024-EA, *Special Recreation Permits for Outfitters*, with no significant impacts anticipated, thus no EIS was required.

Implementation of the proposed action provides the owner of Black Mountain Outfitters with authorization to pursue a recreation-based commercial venture on public lands managed by the BLM and fulfills one of BLM's FLPMA responsibilities to regulate through permits or other instruments the use of the public lands, which includes commercial recreation use.

The decision to allow the proposed action does not result in any undue or unnecessary environmental degradation, and is in conformance with the land use plans for both field offices as described in Section B of this DNA.

Appeals: This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in the Kingman Field Office, 2755 Mission Blvd., Kingman, AZ 86401 within 30 days from the date of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) for a stay (suspension) of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal (43 CFR 4.21). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the Kingman Field Office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay:

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Additional Stipulations to Attachment 2: None

LUP Name: *Kingman Resource Management Plan/EIS* Approved: March 1995

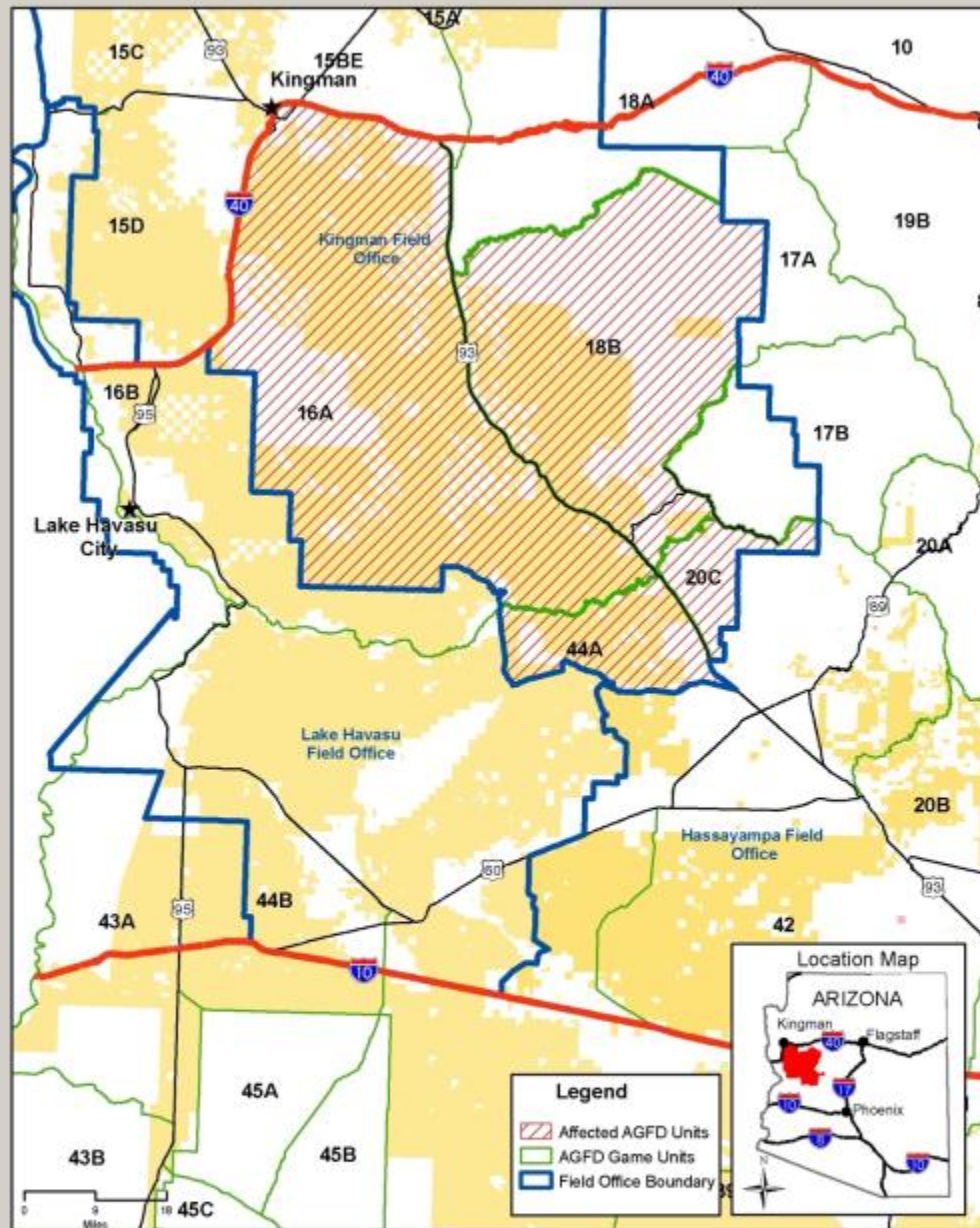
Based on the analysis of potential environmental impacts contained in the attached Determination of NEPA Adequacy and as analyzed in the previous environmental assessment (EA# DOI-BLM-AZ-C010-2009-0024-EA), I have determined that the action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

It is my decision to approve the action as proposed, with the following stipulations (if applicable).

/ s / Don McClure for
Signature of the Responsible Official
Ruben Sanchez
Field Manager
Kingman Field Office

8 - 21 - 12
Date

Attachment 1 - Project Area



Attachment 2

Stipulations to be attached to the authorization:

1. The permittee shall comply with all federal, state, and local laws; ordinances; regulations; orders; postings; or written requirements applicable to the area or operations covered by the SRP. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
2. An SRP authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The authorized officer may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or because of non-compliance with permit stipulations. Actions by the BLM to suspend or terminate an SRP are appealable.
3. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price, or compensation. The use of a permit as collateral is not recognized by the BLM.
4. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the federal land by other users. The United States reserves the right to use any part of the area for any purpose.
5. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
6. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.
7. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.
8. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.

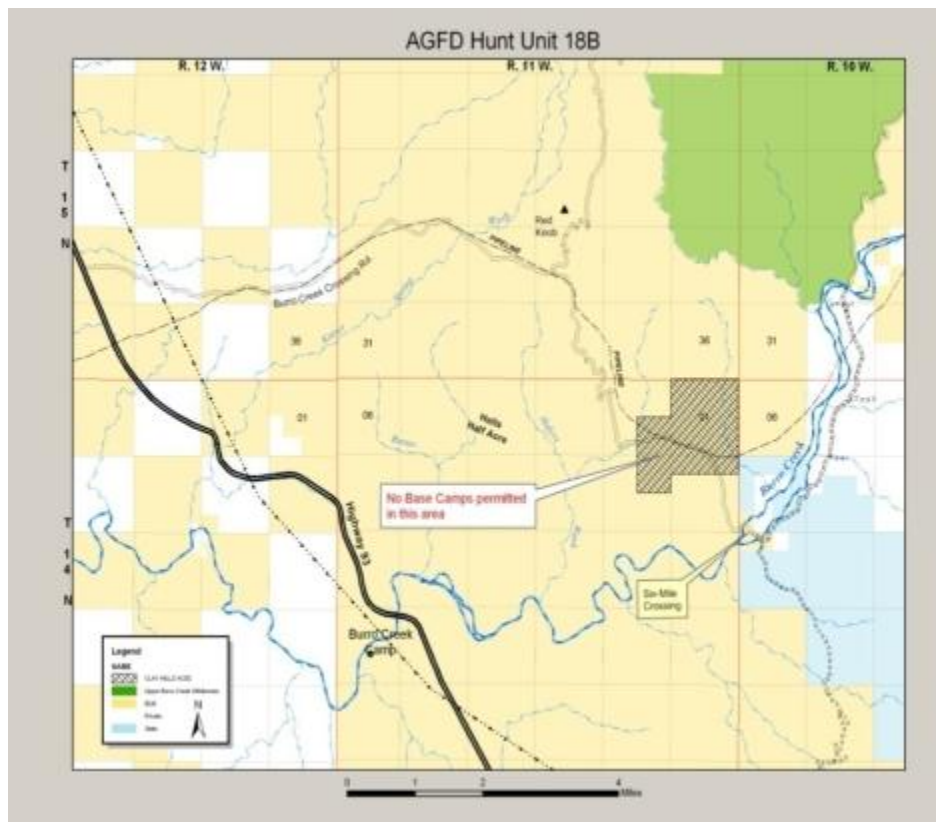
9. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
10. The permittee must present or display a copy of the SRP to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
11. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three years after expiration of the permit.
12. The permittee must submit a post-use report to the authorized officer for every year the permit is in effect. For hunting and fishing outfitters, the report is due by March 31st. If the post-use report is not received by the established deadline, the permit will be suspended and/or fines assessed.
13. The permittee shall notify the authorized officer of any accident that occurs while involved in activities authorized by these permits which result in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage.
14. The applicant/permittee is required to contact private landowners whose property is affected by the use associated with the permit. Evidence that permission has been obtained to use private property must be available upon request.
15. The permittee is required to contact the Authorized Officer annually, at least 45 days prior to the beginning of the use season, to discuss any changes in the previous year's operating plan. Significant changes in the operation plan may require additional environmental analysis and permit stipulations. The BLM authorized officer must first approve any changes to the Operating Plan.
16. The permit will remain valid only if annual fees have been paid.
17. The applicant/permittee is required to provide the Authorized Officer with a copy of a valid insurance policy or proof thereof covering the periods of use, before any use under this permit begins. The required minimum general liability limits are: \$300,000 per occurrence and \$600,000 annual aggregate for bodily injury; and \$30,000 per occurrence for property damage. The U.S. Government and the permittee must be named as additional insured on the policy.
18. All motor vehicle use will comply with existing local off-highway vehicle regulations. "Local off-highway vehicle regulations" refer to BLM Off-highway vehicle designations on BLM administered lands as established in the Resource Management Planning process, or in emergency closures authorized by a BLM manager. Motor vehicles are limited to existing roads and may not be taken off-road to retrieve game.
19. All motor vehicle use will be conducted in a safe manner; reckless driving and/or excessive speed are permit violations.
20. Motor vehicles and mechanical transport (i.e. bicycles, wheeled game carts) are not permitted in designated wilderness areas.
21. All signs on public lands must be authorized by BLM in writing.

22. The collection of artifacts or disturbance of archaeological resources on Federal Lands is prosecutable under the Archaeological Resources Protection Act. Disturbance of human graves are also prohibited. Actions other than those explicitly approved by the Bureau of Land Management, which result in impacts upon archaeological or historical resources, shall be subject to the provisions of the Archaeological Resources Protection Act of 1979 as amended and the Federal Land Policy and Management Act of 1976. The permittee will immediately bring to the attention of the Authorized Officer any archaeological or historical resources encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation
23. Surface collection of artifacts (either historic or prehistoric) by permittee or tour participants is prohibited. Permittee is required to inform all participants that collecting artifacts, theft or vandalism of any cultural property is a violation of the above mentioned Federal and/or State laws.
24. It is prohibited to collect vertebrate fossils which are protected under the Paleontological Resources Preservation Act (PRPA). Invertebrate fossils (i.e. ammonites and trilobites) and plant fossils may be collected for personal use only – up to 25 pounds per day, plus one piece, but no more than 250 pounds per year. Fossil collection for commercial uses (selling or trading) is not permitted.
25. Permittee and all event participants are prohibited from stopping at, or entering any and all known and unknown abandoned mine features.
26. Harassment of livestock, wildlife, wild horses or burros, or destruction of private and public improvements such as fences and gates is prohibited. Gates will be left open or closed, as they are found.
27. All migratory birds shall be observed from a distance. Any injured wildlife shall be reported to the Arizona Game & Fish Dept. at (928)342-0091.
28. State protected plant species, including all cacti shall not be disturbed, damaged, or destroyed. The taking of any threatened or endangered plant or animal is prohibited.
29. The permittee will practice Leave No Trace and Tread Lightly! outdoor ethics. See the enclosed reference materials.
30. Practice proper precautions for noxious weed spread by cleaning vehicles and using certified weed-free feed for livestock.
31. The permittee will follow the tortoise handling guidelines attached to the permit.
32. All vehicles with catalytic converters will park in areas cleared of brush and grasses.

Base Camp Operations

1. Prior to establishing a base camp, the permittee will advise the Bureau of Land Management of the planned location of the camp.

2. Camps established on previously disturbed areas that involve no ground-disturbing activities (i.e. campfire pits, catholes, latrine pits) are available for use without obtaining prior clearance from the BLM.
3. Camps established on previously disturbed areas that require ground-disturbing activities (i.e. campfire pits, catholes, latrine pits) must receive clearance from the BLM Authorized Officer prior to occupation. Two weeks advance notice must be given to BLM for use of such sites.
4. No base camps are permitted on previously undisturbed ground.
5. In AGFD GMU 16A, base camps located within the Hualapai Mountain Area of Critical Environmental Concern (see map) will require prior approval from the BLM authorized officer to ensure protection of special-status wildlife species.



6. In AGFD GMU 18B, base camps are not allowed within the Clay Hills Area of Critical Environmental Concern (see map) to protect the endangered plant, Arizona Cliffrose.

7. Base camps located within the Big Sandy River, Santa Maria River, Burro Creek, Wright Creek, Cottonwood Creek and Francis Creek, or within the “**Restricted Use Areas**” shown on the attached map will require prior approval from the BLM authorized officer to ensure protection of special-status wildlife species.
8. No dogs are permitted within southwest willow flycatcher habitat (see **Restricted Use Areas** map) during the months of April 1 through August 31.

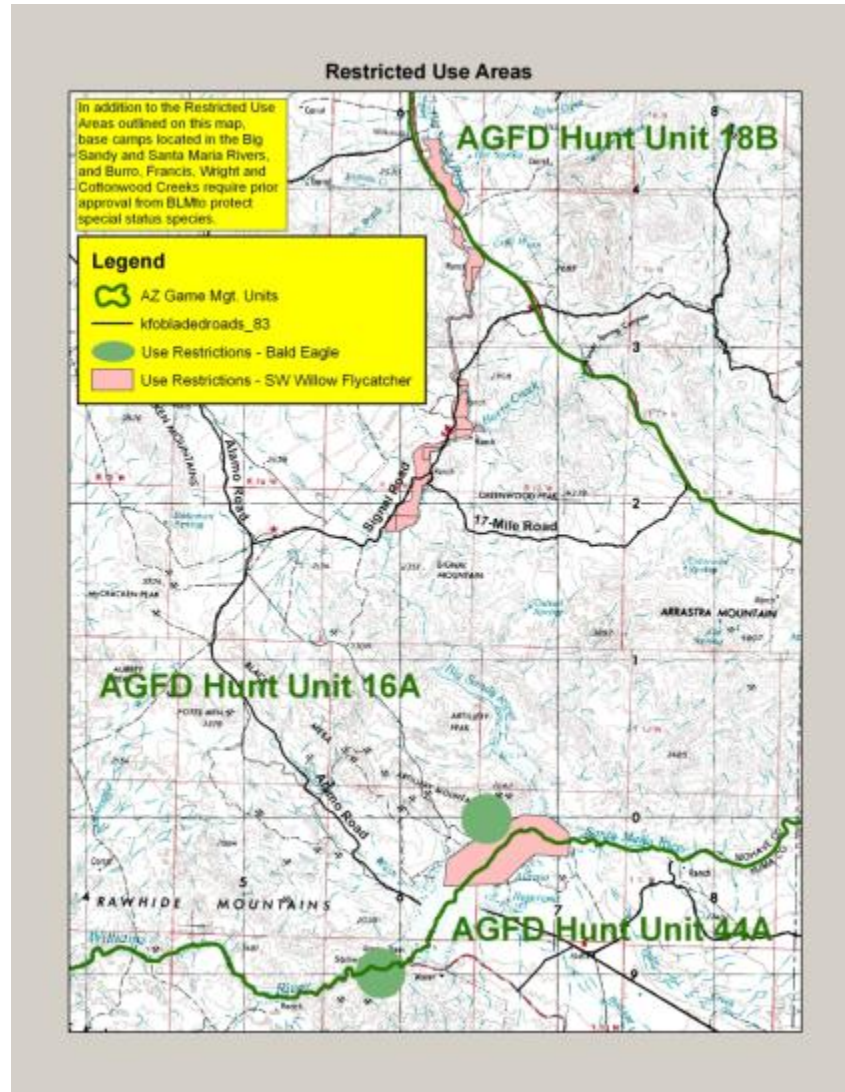
9. Approval from the BLM authorized officer is required prior to conducting guiding activities within one mile of bald eagle nesting areas (see **Restricted Use Areas** map). Permittees would be notified of new nesting areas as they occur.

10. Generally, the maximum overnight stay in any one location is 14 days within any 28-day period. The BLM Authorized Officer must be notified of anticipated base camp stays of greater than 14 days. This notification must be given to BLM prior to the 14th day of occupancy.

11. Do not park vehicles or camp in locations that will interfere with use of livestock facilities (such as corrals) or ongoing livestock operations.

12. No developed base camps are permitted in wilderness.

13. Arizona Revised Statute 17-308 states that it is unlawful for a person to camp within one-fourth mile of a natural water hole containing water or a man-made watering facility containing water in such a manner that wildlife or domestic stock will be denied access to the only reasonably available water. This regulation is enforced by the State of Arizona.



14. In other places where access is not denied to wildlife or domestic stock, camps will be located at least 200 feet from water holes, live water sources (springs and streams), or man-made watering facilities.
15. All base and spike camps will be located at least 200 feet from any archaeological sites, including prehistoric camps, rock shelters, caves, and historic buildings.
16. Camps and use areas will be maintained in a neat and clean condition with no litter.

17. All noncombustible refuse and all unburned combustible refuse must be carried out of the area and disposed of in a county approved disposal site. Burying garbage is prohibited.
18. A portable toilet or group latrine will be utilized at base camps. Portable toilets are the preferred method for human waste disposal and must be emptied at approved sites. Group latrines will be located no closer than 200 feet from water sources and active dry washes on a site that maximizes direct sunlight. The hole excavated for the latrine will be 8-12 inches deep and will be completely filled in and disguised when camp is broken.

Use of fire/smoking

1. The permittee may use only dead and down wood for camp and cooking fires (unless otherwise prohibited). Cutting or removing any live vegetation or standing dead vegetation is prohibited.
2. Camp and cooking fires are permitted unless otherwise posted during periods of wildfire danger or for other circumstances.
3. The permittee must use existing campfire circles, rather than construct new ones, when they exist. If no fire circle exists, select a site that can be "naturalized" when you leave.
4. Build fires away from trees, shrubs and other vegetation. Do not build fires next to rock and avoid the need to encircle your fire with stones. Use smaller firewood that will burn more completely. After making certain that the fire is dead out, scatter the ash and "naturalize" the area.
5. The permittee must take reasonable precautions to prevent wildland fires. Fires must not be left unattended.
6. Smoking will only be allowed inside buildings, motor vehicles, camp trailers or while stopped in an area at least six feet in diameter that is cleared of all flammable material. Cigarette butts and cigars must be field-stripped after use and before discarded.

Non-Public Land Discount

1. The permittee is required to provide trip, duration, itinerary, and such other information specified by the authorized officer to support request for fee reduction for non-public land discount. This request must be brought to the attention of the authorized officer prior to the start of the permit.

Approved Area of Operation

1. Public lands administered by the Kingman Field Office within Arizona Game & Fish Department's Game Management Units # 16A, 18B, 20C & 44A.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Kingman Field Office
2755 Mission Boulevard
Kingman, Arizona 86401
www.az.blm.gov



GUIDELINES FOR HANDLING DESERT TORTOISE, ROSY BOA AND CHUCKWALLA ENCOUNTERED ON ROADS AND VEHICLE WAYS

1. Stop your vehicle and allow the tortoise, rosy boa or chuckwalla to move off the road or if possible, drive around the tortoise or other animal.
2. If the tortoise is not moving, gently** pick up the tortoise and move it approximately 200 feet off the road to a shaded location.
 - a. Do **not** turn the tortoise over.
 - b. Move the tortoise in the direction it was traveling. If it was crossing the road, move it in the direction it was crossing.
 - c. Keep the tortoise within 12-18 inches of the ground, move slowly so as not to cause it to become alarmed.
 - d. Release the tortoise under the shade of a bush or rock.

** Tortoise store water in their bladder. If a tortoise becomes alarmed its defense is to void its bladder onto the captor. This could lead to dehydration of the tortoise and potentially to death.

3. Prior to moving any parked vehicles or equipment at the project site, check for tortoise under the vehicles.

